Scott. Pl-43—30,702—27-11-26.

Law (General) (1924) Department.

Mis SERIES.

G.O. No. 1438

DATED 29-4-24

[Despatch Abstract.]

Court - Civil - District Munsif - South Kanara

District - Sanctioned for ninemonths after the summer recess.

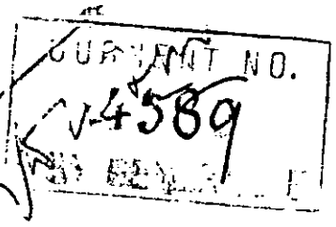
1

29—2,346—10-4-17.

DEPARTMENT.

Received ..... 191 . *Registered* ..... 191 .

Subject



ENCLOSURES.

No. . . . . .

. . . . . .

Spare copies

R.O.C. No. 2268/23

Station Madras . *Dated the* 16th October 1923 ~~191~~ .

From (Name) F. G. Butler, Esquire, M.A., I.C.S.,

(Designation) Registrar, High Court.

To The Secretary to the Government of Madras,

Law (General) Department.

Sir,

I am directed to forward a copy of a letter D.No.3455 dated the 17th September 1923 and of its enclosures from the District Judge, South Kanara requesting that a temporary District Munsif's Court may be established in his district either immediately or in the beginning of the next calendar year for a period of one year in order to relieve the congestion of work in his district and to state that the Hon'ble the Judges agree with the District Judge that an additional District Munsif's Court is necessary to clear off the arrears of work in the District Munsif's Courts in the district. The opening

of an Additional District Munsif's Court for the district has accordingly been included in Part II Schemes of the Budget Estimate for 1924-25, and I am to request that His Excellency the Governor in Council will be pleased to sanction its establishment.

I have the honour to be,

S i r,

Your most obedient servant,

17.10.20

R e g i s t r a r.

P.S.
Sent
16/10.

Copy of letter D.No.3455 dated the 17th September 1923 from the District Judge, South Kanara.

With reference to your R.O.C.No.2268/23 dated the 28th ultimo, I have the honour to state that no temporary court has been working in this district since 1st May 1922 when the Additional Court sanctioned in G.O.No.488 (Home (Judicial), dated 22nd February 1920 was abolished owing to financial stringency.

2. From the statistics available till now, the only Court which seems to require urgent relief is the District Munsif's Court Kasargod as pointed out in my letter No.1733 dated 18th April 1923. The report now received from that District Munsif, copy of which is enclosed, shows that the total pendency of original suits in that court on 8th September 1923 was 599 suits of which 142 will be more than a year old at the end of the current quarter and 81 suits more will be old at the end of the year. It is unnecessary to repeat what I have stated in my letter referred to above, but it may not be out of place to point out here that the present pendency is far heavier than that at the end of the 2nd quarter of 1919 which led to the establishment of the temporary Court, or at any other time in recent years.

3. Further the litigation in this District Munsif's Court shows, as remarked by the District Munsif, a tendency towards gradual increase and though the average disposal of original suits in this court, more especially of contested suits, since 1919 at any rate has far exceeded the average prescribed by the High Court in their R.O.C.No.4500/21 dated 27th April 1922, it has not been possible either to reduce the total ~~ex~~ pendency or the pendency of old suits to any appreciable extent so as to dispense with the necessity for extra relief. It seems to me therefore that, in spite of strenuous efforts on the part of the District Munsifs in future, it will be impossible to achieve better results, and the only way in which the recurring congestion can be relieved is by establishing a temporary court either immediately or in the beginning of the next calendar year at least for a period of one year.

Copy of report D.No.1670 dated 11th September 1923, from the District Munsif, Kasargod to the District Judge, South Kanara.

In reply to the District Court's memorandum D.No.3264 dated 5th September 1923, calling for a report as to whether the establishment of an Additional Court will be necessary during 1924-25 to clear off the arrears in this court, I have the honour to report as follows:-

The number of original suits pending in this court on 8-9-23 is 599, of which 393 are ripe for trial. Of these 393 suits, judgment is reserved in two suits, evidence has been closed in 3 suits and further proceedings have been stayed in 8 suits, so that, the balance ready for trial is 380. Of these 380, one is a suit for restitution of conjugal rights, 110 are suits relating to immoveable property, 26 are for redemption, 24 are mortgage suits, 58 are other suits for declaration and injunction &c. and 161 are money suits including suits for maintenance, damages for wrongful acts, recovery of rent of Kumeri cultivation, the actual extent of which has to be ascertained.

2. The number of suits pending at the end of the 2nd quarter of the year 1919 to reduce which the High Court asked whether any relief was necessary (R.O.P.No.54/19) was only 499 of which 26 were more than a year old, whereas the pendency at present is 599, which include 121 suits, more than a year old on 8-9-1923. The number of old suits that remain pending for disposal in this quarter is 142 Adding on to this, 81 which will become more than a year old next quarter the total number of old suits to be disposed of by the end of December will be 223.

3. The marginally noted figures will show that during previous years the number of suits disposed of, contested and uncontested is in excess of the average prescribed by the High Court except in 1920 when only the number of contested suits disposed of fell short of the average by 26.

Disposed of original suits.

Year.	Contested.	Uncontested.
1919	525	444
1920	333	481
1921	368	468
1922	464	384
1923 upto 8-9-23	266	197

4. The Additional Court that held its sitting here from 5-8-1920 to 7-5-1921 was able to dispose of only 396 suits attending to trial of original suits alone.

5. Many of the suits ready for trial have to be a adjourned for want of time, although the Court ~~HER~~ does not rise earlier than 6 P.M. on almost every day.

6. The tendency also appears to be for a gradual increase in work. In these circumstances I am decidedly of opinion that the establishment of an Additional Court to reduce the pendency of this Court is necessary.

7. I may also point out that if any additional court now workigg in any part of the Presidency, can be conveniently transferred here at least for some time during the current official year itself, instead of waiting for the year 1924-25, serious congestion of work that will otherwise result can be safely avoided.

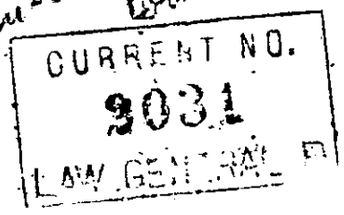
P.S.
KB

C.F. 29 – 85,826 – 17-12-21.

DEPARTMENT.

Received ... 192 . *Registered* ... 192

Subject.



ENCLOSURES.

No. ...

... ...

Spare copies ... ...

R.O.C. No. 2268/23

Station Madras , *Dated the* 27th March 1924. 192

From (Name) F. G. Butler, Esquire, M.A., I.C.S.,

(Designation) Registrar, High Court.

To The Secretary to the Government of Madras,

Law (General) Department.

Sir,

Court - civil - District Munsif's Court for the South Kanara district - establishment of.
Refce. my letter R.O.C.2268/23 dated 16-10-1923.

I am directed to invite your attention to my letter R.O.C. No.2268/23 dated the 16th October 1923, regarding the establishment of a temporary District Munsif's Court for the South Kanara district, for which provision has been made in the Budget Estimate for 1924-25; and to request the favour of early orders.

I have the honour to be,
Sir,
Your most obedient servant,

Registrar.

P.S.

Law (GL) Dept.

[Ctd 4589 B] From the Regr HC Roc No 2268/23 D 16.6.23.

Subject:- Opening of an additional temporary Dt Munsif's Court at the Sankh Kanara Dt.

As they

The new Court proposed is intended to relieve congestion of work in the Sankh Kanara Dt, and the figures given by the Dt Munsif, Kasargod, and the Dt Judge, Sankh Kanara seem to more than justify the opening of the new Dt Munsif Court. This is one of the Part II schemes forwarded by the High Court for consideration in connection with the next year's budget. Submit that the High Court's proposal may be approved and the case placed before the Finance Committee. ~~The remarks of the Finance Dept may be invited.~~

As it is stated that the Court will have to hold its sittings for a year. The following figures show the approximate expenditure that will be incurred if the Court is opened:-

Salary of Dt Munsif	Rs 300 x 12 =	Rs 3600.
.. .. Head clerk	Rs 60 x 12	Rs 720.
.. .. 5 Clerks	Rs 35 x 5 x 12	Rs 2100
.. .. 3 Servants	Rs 12 x 3 x 12	432
Contract Contingencies		450
Furniture &c		900
Total		8202

1) Pay = 2750
Q x [illegible] = 540
" x 175 = 157.5
Q x 36 = 324
Total = 5,139
Pay (full pay) 458 : 4
2) From the = 375 (10/12 of 458)
3) Contingencies
5414

3 The case may be forwarded to the

Finance Dept for remarks.

Govt no 4589 S-I
22-X-23

20/10/23

20-10-23

ASSISTANT SECRETARY TO GOVT.
22 OCT 1923
FINANCE DEPARTMENT

Finance Dept. No 0/107
22.X.23

Finance Dept.

The Scales of establt. and of pay proposed in para 2 of Govt note on p.1 ante are in accordance with the Scales sanctioned in G.O. 1116 Law(Cts) dt 9-7-23. and may be accepted in this Dept.

Sd/-
Under Secy
24.10.23

[2. The average extra recurring expenditure involved in the proposal as to the cost of the Court is as shown below:—

		Rs.
one District Munsif on 300-60	Rs. 537½	
one Hd. Clerk on 60-4-80	75	
Two Clerks .. 35 (45) 60.	237½	
Three Peons 12 (15) 18.	45	
	Rs. 895 p.m.	
Or Rs. ~~12990~~ 10740/- per annum]		

~~Rs. 895/- or Rs. 10740 per annum~~

The immediate cost for the next year on officer and establishment will however, be Rs. 6,852

3. This is one of 5 D.M.'s Courts (Temporary) recommended by the High Court to be opened during 1924-25 and

for

for which provision will have to be
entered in the ~~current~~ next year's Budget

It is for orders if, in view of
the Just. Retr. Com's recommendation that
para 6: p. 2 of (11) the Joint Judges may be appointed to relieve
congestion instead of the present system of
opening ~~Temporary~~ Courts with separate establt.
Law may be
requested to revise their demand by
curtailing it to the cost of the ~~post~~ of
Dist. Munsif only. or whether the
pending legislation in the matter
proposal may be accepted as it is.
In either case this will have to be
placed before the Finance Committee
as a Part II Scheme for 1924-25.

Thro Bud. Sect

Com
27.X.25
Com
27.10.25

Com.
24.X.25
Ad
28.10.25

The Committee recommendation
involves legislation Pending the
the proposal is accepted bill
Law prepare a note for the
Finance Committee?

29. 10. 25

Law

Law Dept.

AS

A note for the Finance Committee is sent. It may be forwarded to the Fin Dept for adding their note. It is submitted that 9 months provision in the budget

2. Nov.

DOCUMENT NO. 1783

Ex 1102

will do, as the Court can be opened after the recess
about the 15th or 16th June 24. ...

2.11.23

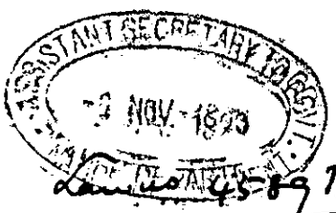
S

2.11.23

2/11/23

2-11-23.

For Govt



45-89 B-2
2-11-23.

Finance Dept

BR

Please see Secy's note on the previous page & Law Dept note thereon. The total cost for 10 months of running the Court from 1st June 1924 debitable to next year's budget comes to Rs 6,414 as noted in margin of p. i ante & not 6,376½ as stated in the note below.

Fin. B-S. 9/264
2-11-23.

Subject to the above remarks the note below may be accepted & Law requested to add the following as this Dept note

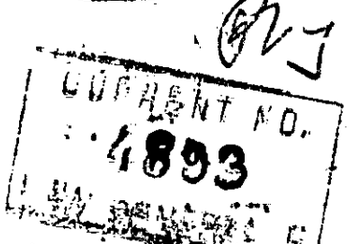
"The proposal may be placed before the Finance Committee"

CWR
5-11-23.

5/11/23

5/11/23

Law



Fin 1893/264 -1
6-XI-23

4873B

Law(Gl) Dept.

D.S.

The note for the Fin. Committee has been amended as suggested by the Finance Dept. The case may now be circulated.

Dy 6.11.23

S

Ch 8/11/23

8/11/23

6-11-23

Cs 9/11/23

Note for T.C. Law for typing 13/11/23

Cy 8.11.23

SECRETARY TO GOVERNMENT 10 NOV 1923 LAW DEPT.

Fin.Deptt.

Extract of proceedings of the Finance Committee at their 9th meeting on 18-12-23.

The scheme was recommended and was placed in class I.

V.S.K.
21-12-23.

GVI

CURRENT NO. 5762

22-DEC 1923

Law(Genl.)

Law(Gl)Dept.

D.S

may L.O till 15.1.24. The final consolidated listing works passed by Fin. Com. has to reach Fin Deptt before 22.1.24

Dy 22/12/23

S

Ch 1.1.24

7/1/24

31-12-23

24 Hon'ble Dr. ... 7 Jan. 24

Law (General) Department.

NOTE FOR THE FINANCE COMMITTEE.

Subject:- Opening of an additional temporary District Munsif's Court in the South Kanara District.

Cost in 24 - 25 - Rs 6,414 (for 9 months)

Proposals of the High Court.

The District Judge, South Kanara has requested that a temporary District Munsif's Court may be established in his district either immediately or in the beginning of the next calendar year for a period of one year in order to relieve congestion of work in his district. The District Munsif's Court, Kasargod, requires urgent relief. The total pendency of original suits in that court on 8th September 1923 was 599 suits of which 142 are more than a year old at the end of the September 1923, and 81 suits more will be old at the end of the year. A temporary court was in existence from July 1920 and was abolished with effect from 1st May 1922. It is stated that the present pendency is far heavier than that at the end of the second quarter of 1919 which led to the establishment of the temporary court or at any other time in recent years. Further, litigation in this court shows a tendency towards gradual increase, and though the average disposal of original suits in this Court, more especially of contested suits has far exceeded the average prescribed by the High Court, it has not been possible to reduce the total pendency or the pendency of old suits to any appreciable extent, so as to dispense with the necessity for extra relief. The Hon'ble the Judges agree with the District Judge that an additional District Munsif's court is necessary to clear off the arrears of work in the District Munsif's Court in the District.

II

NOTE BY THE LAW DEPARTMENT

It is stated that the new court will hold its sittings for a year. Assuming that the Court is opened

after the vacation on 1st June 1924, only 9 months pay of the staff will be debited to the next year's budget, and the approximate expenditure involved by the proposal is Rs.6,414. The figures furnished justify the opening of a new temporary court to relieve congestion. The High Court has stated that this court may be located at Kasargod, as the court at the station is over weighted with work. The Judicial Retrenchment Committee has recommended that in stations in which an additional court is to be opened, joint or additional judges may be appointed so that they may work in the same premises with a common staff. The Government have approved the recommendation, which involves legislation. Steps are being taken to amend the Madras Civil Courts Act, 1873, for this purpose, and it will take some time for the draft bill now under the consideration of the Government to become law. Pending the proposed legislation, the court may be opened and allowed the usual staff.

R.Ramachandra Rao,
2-11-1923.

NOTE BY THE FINANCE DEPARTMENT.

The proposal may be placed before the Finance Committee.

G.T.Boag,
5-11-23.

[For Extract from proc. of the Fin. Committee vide page 5 ante]

8/

P6 CF [Ctro 2031 B] From the Regr. Hc. R.O.C No 2268/23 & 27.3.24.

A.S.

The High Ct wants early orders on their proposal to open an addl temply Court in the south Banasra Dt. Provision has been made in the B.E for 1924-25 for 9 months on account of this Court. It has already been decided that the Court may be opened after the summer recess about the 1st June 1924. A draft order is subd which may go to Finance for acceptance.

Dy 2.4.24 S C/F 4.4.24

3-4-24. Has this sch issued owing on all proposals s? in the budget? 9/4/24

A.S. [illegible]

With ref to the Regr's query above it is stated that action has already been taken on the following Part II schs for which provision has been made in the Budget:

1) Civil Work's [illegible]

2) Construction of a separate block for the Court of Small Causes, Madras & the

2) Fitting up Record Rack in the Rgt. Side of the High Court.

3) Constructing a store room for the Court of Small Causes, for keeping inflammable materials.

(4) Construction of a Court house for the Sub-Magistrate Saraipalli

19.4.24

Under CIVIL WORKS provision has been made for the onstruction of a court-house for the District Munsif ooty. But further action has been stopped under orders f the Hon'ble Member pending a decision to be come to s to the opening of a third District Munsif's Court for ie district at Anantapur. A separate note has been eceived from the P.W.D. in regard to further action to e taken in pursuance of the provision already entered n this account in the budget and that file is sub-itted separately.

2. Provision has been entered in the budget for the pening of a District Munsif's Court in the Kistna dis-rict. The court is to be opened only from 1st July 1924. t is expected that the High Court might come up with the atest statistics to support the necessity for the open-ng of the court. But if such proposals need not be vaited from the High Court, the case will be put up eparately for orders.

The file regarding the opening of the munsif's court at Kistna may be taken up at once separately. If it is found that the ~~finance~~ materials are insufficient, the High Court may be addressed on that file. In the meanwhile this file may be sent to Finance for acceptance of the draft order regarding the opening of the Munsif Court in S. Canara. (placed below)

S
14.4.24

10

The draft order is for acceptance

V.TK
15.4

Law no 45898-3/23
15-4-24

Fin. U.O

Finance Deptt. (S.R.)

ASSISTANT SECRETARY
16 APR 1924
FINANCE DEPTT.

Please see finance note on p 5 ante.
The draft order may be accepted.

2. Necessary provision exists in the current year's budget - vide pp 956 BS.

Fin. 446-S.R.II
17-4-24

B
17.4.24

DS
22.4.24

Law (Genl) Sec.

Fin. no. 446 S.R.II-1
23.4.24

Law (Gl) Sec.

28-APR-1924
SECRETARIAT

A.S

For orders as to issue. Magistrate

25.4.24

Issue
V.TK
26/4

24 APR 1924
DEPARTMENT

CURRENT NO.
2457

Scott. II-10 (a)—48,962—2-2-22. (6)

Law (Jud) DEPARTMENT

	Date.	Initials.
When received for Fair-copying.		
When copied ..		
When examined ..	30/4	
When signed ..		
When despatched ..	30/4	

Law - Civil - Dr. Munsif - Tenkasi - Tirunelveli Dt. - Sanction for 9 months after the summer recess.

READ AGAIN G.O. No. ....., dated ..... 192 .

" " " " ....., " ..... 192 .

READ ALSO:—

C. No. 65-88/B From the Regr. of Rolls No. 2268/23 dated 16 - 10 - 1923

" " ..... " " ..... " ..... 192 .

" " ..... " " ..... " ..... 192 .

ORDER.
Misc

No. 1438, dated 29. 4. 1924.

Under sec 4 of the Madras Civil Courts Act, 1873, the Govt. in Council sanction the appointment of an addl. Dr. Munsif for the Tenkasi Taluk.

2 The appointment will last for nine months after the summer recess of 1924. The Govt. also sanction the employment during the same period of the * marginally noted establishment for the Dr. Munsif.

By
Order.
C. Jha
4.4.24

3-4-24.

* (1) one head clerk in the scale of Rs 60 - 4 - 80
(2) Five clerks 35, 35-1½-50-1-60
(3) Three servants .. .. 12 - 18.

To the Hon'ble the Chief Secy.
.. .. Advocate (Hon. Prin.)